

REMARKS

Claims 1-25 are pending in the instant application. Claims 1-15 and 18-25 have been rejected by the Examiner. Claims 16 and 17 have been objected to by the Examiner. Claim 21 has been amended. The Applicant submits that all of the claims are in condition for allowance and requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

In relevant part, the present claims are directed to a new suture loading system that is attached to the body of a suture securing instrument. This is distinct from stand alone suture threaders, such as the device described by U.S. Patent No. 5,800,447 to Wenstrom or the device referenced at Figure 11 of U.S. Patent No. 5,575,801 to Habermeyer et al. Moreover, this is also distinct from the Sauer suture loader (e.g., see Figure 4 of U.S. Patent No. 5,520,702 to Sauer).

The presently claimed device is an improvement over the type of suture loader described by Sauer precisely because it includes the attaching member that extends from the suture loader body and engages the body of the separate surgical device. Review of Sauer illustrates that there is no such attaching member. Rather, a big ring extends at an angle over one side of the device (from the proximal end of the ferrule), and a slightly smaller loop extends out of the other side at the angle (from the distal end of the ferrule, which ferrule is also positioned at an angle in the device). The attaching member of the present ferrule loader permits a more secure grip, eliminates the need for a bulky ring grip and reduces the worry that the distal suture loading ring will slip out.

The Examiner has done a thorough job in formulating the rejection, however, it is perhaps more efficient for this reply to initially distinguish the references based on some key distinguishing points.

Referring now to Habermeyer (which forms the core of all but the last of the rejections), I initially note that Habermeyer simply teaches a standard, stand-alone suture loader 36. 36 is not held in any way by arm 18, but is instead simply used to thread suture through aperture 31 of the suture anchor 30 (indeed, even before the eyelet end of the suture anchor is seated in the device driver 34) (see Col. 3, lines 56-67). Accordingly, Habermeyer does not apply for any of the rejections. For this reason alone, Habermeyer neither anticipates, nor renders obvious any of the

claims (regardless of the proposed combinations). Reconsideration and allowance of the claims are respectfully requested.

Referring now to U.S. Patent No. 4,779,616 to Johnson, item 10 is a suture retrieval device. While it is inserted through a cannula in the body to grab a suture in the body, it still does not teach an attaching member that analogous to the presently claimed suture loader attachment member (it doesn't teach an attaching member at all, regardless of the fact that it is for retrieval of suture within the body). Reconsideration and allowance are respectfully requested.

U.S. Patent No. 5,562,664 to Durlacher is even more inapplicable than Habermeyer (although the Examiner uses the arm 14 and attachment at 11 in an attempt to modify Habermeyer). Neither Durlacher nor Habermeyer describe a suture loader attachment member at all, and while Habermeyer does describe a stand alone suture loader (not attached to any arms), Durlacher does not describe any suture loaders. Reconsideration and allowance of the claims are respectfully requested.

The Examiner reference U.S. Patent No. 3,361,382 to Converse as evidence that it was known to have indented finger grips on hand held suture devices. However, there is no suture loader (suture is dispensed (pulled by hand) from a spool having a hand grip around it). Converse does not make up for the deficiencies of Habermeyer or Durlacher (which the Examiner is attempting to modify with Converse). Reconsideration and allowance are respectfully requested.

With regard to Sauer, it was already noted how the presently claimed suture loader is an improvement by virtue of the fact that it includes the requisite attaching member from the body of the suture loader to the body of the surgical instrument. This element is lacking in Sauer as well as Habermeyer (which the Examiner is attempting to modify with Sauer). Reconsideration and allowance is respectfully requested.

Also, while U.S. Patent No. 5,800,447 to Wenstrom may show a standalone suture threader with a diamond shape, it does not describe the requisite attaching member that is also lacking from Habermeyer and Sauer. Reconsideration and allowance of the claims are respectfully requested.

The last rejection (of claims 21-24) attempts to find the method claim limitations in Sauer and U.S. Patent No. 5,423,830 to Schneebaum. Claim 21 still requires mounting the suture loading assembly on the tubular portion of the suturing device body, and has been amended to clarify that it is an attaching member that extends from the body of the suture threading assembly that so mounts the assembly to the body of the suturing device.

Schneebaum is a polyp remover, that is, a retractable device used to harvest polyps in body cavities. It is not a suture loader, and it does not have an attaching member that extends from the body of the suture threading assembly that so mounts the assembly to the body of the suturing device. Reconsideration and allowance of the claims are respectfully requested.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-25 be passed to issue.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130. This is a general authorization to charge fees to the aforementioned Deposit Account.

Respectfully submitted,

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